

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

International Application No. : PCT/EP05/03169  
 International Filing Date : March 24, 2005  
 U.S. Serial No. : 10/594,025  
 Deposit Date U.S. Nat'l Phase : September 25, 2006  
 Priority Date(s) Claimed : March 26, 2004  
 Applicant(s) : Rainer MUELLNER

Title: METHOD AND DEVICE FOR ADMINISTERING XENON TO PATIENTS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371**

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 11213-1450

Sir:

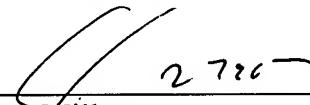
In response to the Notification of Missing Requirements dated June 12, 2007:

- Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of \$130.00
- Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. ).
- Attached is a copy of the Notification of Missing Requirements.
- Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one/two/three/four/five month(s) along with the fee of .
- Applicant(s) are entitled to small entity status.
- Attached is a verified English translation of the PCT publication along with the fee of \$130.00.
- Attached is a Preliminary Amendment.
- Applicant(s) include the extra claims fee of \$        for        claims in excess of 20        per additional claim, for        independent claims in excess of 3        per additional claim, and/or        for multiple dependent claims.
- Attached is the Sequence Disclosure (paper/disk versions) with the appropriate statement as required

- Attached is an Application Data Sheet (ADS).
- Attached are the substitute drawings as required.

Attached is a check in the amount of \$130.00. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402.

Respectfully submitted,

  
I. William Millen  
Registration No. 19,544  
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Blvd. Suite 1400  
Arlington, Virginia 22201  
Telephone: (703)243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: LINDE-0646

Date: August 10, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/594,025                    | Rainer Muellner       | LINDE-0646       |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/EP05/03169                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 03/24/2005                    | 03/26/2004            |                  |
| CONFIRMATION NO. 6193         |                       |                  |
| 371 FORMALITIES LETTER        |                       |                  |
| <br>*OC000000024301294*       |                       |                  |

**ACTION** *MSG Reg M/S*

**DUE DATE** *8/12/07*

Date Mailed: 06/12/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/25/2006
- Copy of the International Search Report filed on 09/25/2006
- Preliminary Amendments filed on 09/25/2006
- Information Disclosure Statements filed on 09/25/2006
- U.S. Basic National Fees filed on 09/25/2006
- Priority Documents filed on 09/25/2006
- Non-English Language Application filed on 09/25/2006
- Specification filed on 09/25/2006
- Claims filed on 09/25/2006
- Abstracts filed on 09/25/2006
- Drawings filed on 09/25/2006

JUN 14 2007

**ACTION** \_\_\_\_\_  
 \_\_\_\_\_  
**DUE DATE** \_\_\_\_\_  
 \_\_\_\_\_

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PAULETTE R KIDWELL

---

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

---

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/594,025                  | PCT/EP05/03169                | LINDE-0646       |

FORM PCT/DO/EO/905 (371 Formalities Notice)